

SENATE BILL 3244

By Tate

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 17, Part 1, relative to dangerous, vicious,
and wild animals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by
adding the following language as a new section:

§ 39-17-116.

(a) For purposes of this section, unless the context otherwise requires:

(1) "Animal" means a domesticated living creature or a wild
creature previously captured;

(2)

(A) Except as provided in subdivision (2)(B), "dangerous
animal" means:

(i) Any domesticated animal that, without
provocation, bites, attacks, or endangers the safety of a
human or other animal on public or private property;

(ii) Any domesticated animal which because of its
physical nature and vicious propensity is capable of
causing serious bodily injury, as defined by § 39-11-106, or
death to humans or other animals and would constitute a
danger to human life or property; or

(iii) Any domesticated animal which behaves in
such a manner that the owner knows or should reasonably

know that the animal is possessed of tendencies to attack humans or other animals;

(B) "Dangerous animal" does not include:

(i) Any police dog that bites, attacks, or endangers the safety of a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any animal that attacks a human in a pen or other enclosure in which the animal is being kept, if such pen or enclosure is designed to prevent with reasonable certainty the animal from leaving the pen or enclosure on its own; or

(iii) Any animal that bites, attacks, or endangers the safety of a human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the animal;

(3) "Domesticated animal" means any non-livestock animal of a tamable disposition that normally lives in or about the household of its owner, keeper, or harbinger; contributes to the support of the family; or is by custom devoted to the service of humans at the time and in the place in which it is kept;

(4) "Enclosure" means an area for keeping a dangerous, vicious or wild animal securely confined indoors or in a securely enclosed and locked pen, fence, or structure while on the owner's property that is

suitable to prevent the entry of young children and the escape of the animal. A pen or structure is designed to prevent with reasonable certainty an animal's escape if it has secure sides and a secure top, and, if the animal is enclosed within a fence, all sides of the fence are of sufficient height and the bottom of the fence is constructed or secured in such a manner as to prevent the animal's escape either over or under the fence;

(5) "Harboring or keeper" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who temporarily harbors, keeps, possesses, or exercises custody or control of an animal within this state;

(6) "Owner" means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust who is vested with legal ownership or title to an animal and regularly keeps, harbors, possesses, or exercises custody or control of such animal within this state;

(7) "Police dog" means a dog that has been trained, and may be used, to assist one (1) or more law enforcement officers in the performance of official duties;

(8)

(A) Except as provided in subdivision (7)(B), "vicious animal" means:

(i) Any domesticated animal that, without provocation, attacks a human or other animal on public or private property and causes serious bodily injury, as

defined by § 39-11-106, or death to such human or other animal; or

(ii) Any domesticated animal that aggressively bites, attacks, or endangers the safety of humans or other animals, without provocation, after the owner has notice or knows that the dog has previously bitten, attacked, or endangered the safety of a human or other animal;

(B) "Vicious animal" does not include any of the following:

(i) Any police dog that causes serious bodily injury, as defined by § 39-11-106, or death to a human when the dog is being used by a law enforcement officer to carry out the law enforcement officer's official duties;

(ii) Any animal that attacks a human or other animal in a pen or other enclosure in which the animal is being kept, if such pen or enclosure is designed to prevent with reasonable certainty the animal from leaving the pen or enclosure on its own; or

(iii) Any animal that causes serious bodily injury, as defined by § 39-11-106, or death to any human while a human is committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the animal;

(9) "Wild animal" means any animal of an untamable disposition taken from a state of nature, possessed by a human, placed in captivity, and constitutes a danger to human life and property; and

(10) "Without provocation" means that an animal is not teased, tormented, hit, kicked, or abused by a person with any object or part of a person's body.

(b) It shall be unlawful for any person who has been convicted of a felony offense or any person on parole or probation who has been convicted of a felony or misdemeanor offense, to own, harbor, keep, share a residence with, or be in the company of a dangerous, vicious, or wild animal.

(c) A violation of this section is a Class A misdemeanor.

(d) It is a defense to prosecution under this section that the person had a reasonable excuse, to the satisfaction of the court, for having ownership, possession, custody, or control of the animal.

(e) The provisions of this section apply to persons convicted of a felony offense or placed on probation or parole on or after July 1, 2010.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.